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REMARKS

It is noted in the Office Action that claims 1-20, 23, and 24 contained allowable subject matter, and a few minor changes to the claims, which were suggested by the Examiner, have been made by this Amendment.

In the Office Action, claims 21 and 22 were rejected under 35 U.S.C. § 102 on the basis of U.S. Patent No. 4,979,718 to Bauer et al. It should be noted that for a prior art reference to anticipate under 35 U.S.C. § 102 every element of the claimed invention must be identically shown in a single reference, see *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990) emphasis added. Those elements must be arranged as in the claim (emphasis added). *Brown v. 3M*, 60 USPQ2d 1375, 1376 (Fed. Cir. 2001).

Applicant has amended claim 21 to more clearly define the significant structural difference between the Bauer '718 patent, which shows a gas strut activated by means of what is referred to but not shown as a "swivelable activating lever" which is disposed in collar 22 in the usual manner and which rests against the outer surface 31 of slide 27, as is known, for instance, from U.S. Patent No. 3,790,119. The '119 patent discloses in Fig. 2 the actuator mechanism suggested by the '718 patent, namely, a vertically movable lever 26 which extends through a slot 24a and pivots, guided by cross pins 25, to actuate extension pin 27. (See column 3, lines 39-48 of '119 for the vertical operation of the device described.)

Although Bauer '718 discloses a control which pivots to allow vertical control of a pushrod, Applicant's invention, as shown in Fig. 8 by arrow D (paragraph 19), not only allows the control to push down on an actuator pin which responds to move in a vertical direction but the entire control can be rotated horizontally subsequent to its assembly, as defined by amended

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claim 21, to any desired horizontally angled position for attachment to the actuating cable. This allows, as described in the application, the control mechanism to be mounted to either side, front, or any other desired position on, for example, a chair to which the actuator is mounted. The slot 24a of the Bauer '119 patent referred to in the cited '718 patent would prevent such horizontally rotatable motion. Accordingly, reconsideration of the 35 U.S.C. § 102 rejection, with respect to claim 21 as amended, is respectfully requested.

Claim 22 is dependent on claim 21 and defines the unique snap-in feature of the actuator, which is not disclosed either in Bauer '718 (which only shows a snap-in slide 27 not an actuator) or Bauer '119. Bauer '119 shows a slot 24a and cross pin 25 mounting of actuator lever 26 and a conventional force-fitted conical connection of the gas strut to the chair mounting bracket. Reconsideration of the 35 U.S.C. § 102 rejection of dependent claim 22 is also respectfully requested.

By this Amendment, it is submitted that this application is now in condition for allowance, which action is respectfully solicited.

Respectfully submitted,
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